

**HILLSBOROUGH COUNTY SUPERIOR COURT
NORTHERN DISTRICT**

300 Chestnut Street
Manchester, N.H. 03101
(603) 669-7410

RECEIPT OF WRIT

Date: April 23, 2007

DOCKET NUMBER: 07-C-0237

**William Donald Hilton vs. Jeanne M. Charest, ARNP
Coos County Family Health Serv. Inc.
Androscoggin Valley Hospital**

The writ in the above-captioned matter was filed with the Clerk of this Court on: **April 19, 2007**

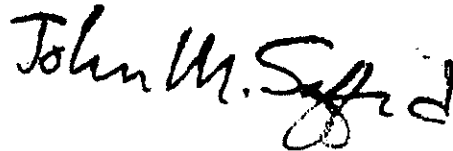
The Plaintiff or his/her attorney is to attach a copy of this receipt to identical copies of the original writ and deliver them to the Sheriff or other legally authorized entity for service on each named defendant. Sufficient copies shall be provided to allow for a service copy for each named defendant and a copy for each officer completing service to complete the return. The return copies shall be filed with the court in accordance with Superior Court Rule 3.

By Order of the Court

John M. Safford, Clerk

JMS/cmp

cc: Mark A. Abramson, Esq.

A handwritten signature in black ink, appearing to read "John M. Safford", is written over the typed name of the clerk.

The State of New Hampshire

SUPERIOR COURT

HILLSBOROUGH COUNTY
NORTHERN DISTRICT

() COURT

(XX) JURY

WRIT OF SUMMONS

William Donald Hilton
172 Alsace Street
Manchester, NH 03102

Jeanne M. Charest, ARNP
133 Pleasant St., Berlin, NH 03570

Coos County Family Health Services, Inc
133 Pleasant St., Berlin, NH 03570

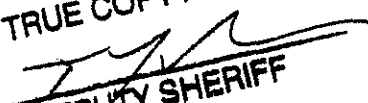
v.

Androscoggin Valley Hospital
59 Page Hill Road, Berlin, NH 03570

The Sheriff or Deputy of any County is ordered to summon each defendant to file a written appearance with the Superior Court at the address listed below by the return day of this writ which is the first Tuesday of August, 2007.
YEAR MONTH

The PLAINTIFF(S) state(s):

PLEASE SEE ATTACHED

A TRUE COPY ATTEST:

DEPUTY SHERIFF

and the Plaintiff(s) claim(s) damages within the jurisdictional limits of this Court.

Mark A. Abramson, Esq. and Holly B. Haines, Esq.
on behalf of the plaintiff, William Donald Hilton

INDORSER (sign and print name)


4/17/07

DATE OF WRIT


NOTICE TO THE DEFENDANT

The Plaintiff listed above has begun legal action against you. You do not have to physically appear in Court on the return day listed above since there will be no hearing on that day. However, if you intend to contest this matter, you or your attorney must file a written appearance form with the Clerk's Office by that date. (Appearance forms may be obtained from the Clerk's Office; You will then receive notice from the Court of all proceedings concerning this case. If you fail to file an appearance by the return day, judgment will be entered against you for a sum of money which you will then be obligated to pay.

Witness, Robert J. Lynn, Chief Justice, Superior Court.


John M. Safford, Clerk
NH Superior Court Hillsborough County
Northern District
300 Chestnut St
Manchester NH 03101-2490
(603) 669-7410

SERVICE COPY


SIGNATURE OF PLAINTIFF/ATTORNEY
Mark A. Abramson, Esq./Holly B. Haines, Esq.
PRINTED/TYPED NAME
Abramson, Brown & Dugan
1819 Elm Street
ADDRESS
Manchester, NH 03104 / 603-627-1819
PHONE

COUNT I

(Medical Negligence -Jeanne Charest, ARNP)

IN A PLEA OF THE CASE for that during February and March 2003, the plaintiff, William Donald Hilton, then a 15 year old boy, presented to Coos County Family Health Services, Inc. for treatment of ongoing fevers, nausea, vomiting and right sided abdominal pain and came under the care of defendant Jeanne Charest, ARNP; IT WAS THEN AND THERE THE DUTY OF THE DEFENDANT, Jeanne Charest, ARNP, to provide medical care in accordance with accepted standards of reasonable professional practice among similar health care providers; YET, NEVERTHELESS THE DEFENDANT NEGLIGENTLY FAILED TO MEET SUCH STANDARD in that she, among other things, failed to properly assess and diagnose the plaintiff's condition; failed to order necessary and appropriate diagnostic tests; failed to admit Mr. Hilton to the hospital for evaluation and treatment; failed to obtain appropriate consults with specialists; and otherwise failed to ensure the safety of her patient; AS A RESULT OF THE AFORESAID BREACHES OF DUTY, Mr. Hilton suffered a ruptured appendix and subsequent peritoneal infection requiring surgery and extended hospitalization; AS A FURTHER RESULT, Mr. Hilton suffered extensive internal scarring resulting in urethral stricture, he requires daily medication and self-catheterization, and he will require quarterly urethral dilation for the rest of his life; he has experienced, and will continue to experience, physical pain and emotional suffering, loss of enjoyment of life, loss of opportunity, loss of earnings and earning capacity, loss of a better outcome and he has incurred and will incur substantial expenses for his care and treatment; ALL TO THE DAMAGE OF THE PLAINTIFF, as he says, in an amount sufficient to compensate him for his losses together with interest and costs and within the jurisdictional limits of this Court.

COUNT II

(Vicarious Liability - Coos County Family Health Services, Inc.)

IN A PLEA OF THE CASE for that the plaintiffs incorporate by reference each of the allegations contained in Count I; at all times relevant, Jeanne Charest, ARNP, was an agent, employee or co-joint venturer with defendant Coos County Family Health Services, Inc., acting within the scope of her agency, employment or joint venture; AS A RESULT, the defendant, Coos County Family Health Services, Inc., is vicariously liable for her negligence as set forth above; ALL TO THE DAMAGE OF THE PLAINTIFF as he says, in an amount sufficient to compensate him for his losses together with interest and costs and within the jurisdictional limits of this Court.

COUNT III

(Vicarious Liability - Androscoggin Valley Hospital)

IN A PLEA OF THE CASE for that the plaintiffs incorporate by reference each of the allegations contained in Count I; at all times relevant, Jeanne Charest, ARNP, was an agent, employee or co-joint venturer with defendant Androscoggin Valley Hospital, acting within the scope of her agency, employment or joint venture; AS A RESULT, the defendant, Androscoggin

Valley Hospital, is vicariously liable for her negligence as set forth above; ALL TO THE DAMAGE OF THE PLAINTIFF as he says, in an amount sufficient to compensate him for his losses together with interest and costs and within the jurisdictional limits of this Court.

COUNT IV

(Negligent Supervision - Coos County Family Health Services, Inc.)

IN A PLEA OF THE CASE for that during February and March 2003, the plaintiff, William Donald Hilton, then a 15 year old boy, presented to Coos County Family Health Services, Inc. for treatment of ongoing fevers, nausea, vomiting and right sided abdominal pain; IT WAS THEN AND THERE THE DUTY OF THE DEFENDANT, Coos County Family Health Services, Inc., acting through its agents, employees and co-joint venturers, to properly supervise its medical care providers and staff and to ensure that its practitioners possessed the knowledge and exercised the degree of skill that the average and prudent practitioners should under the same or similar circumstances to assure the quality of patient care being provided; YET, NEVERTHELESS, the defendant, Coos County Family Health Services, Inc., acting through its agents, employees and co-joint venturers, failed in the performance thereof in that it failed to supervise its medical care providers and staff in their work to ensure that its staff could properly diagnose the plaintiff's condition, refer the plaintiff for additional necessary and appropriate diagnostic tests, refer the plaintiff for additional consideration, consultation, care and treatment, and it otherwise failed to exercise due care; AS A RESULT OF THE AFORESAID BREACHES OF DUTY, Mr. Hilton suffered a ruptured appendix and subsequent peritoneal infection requiring surgery and extended hospitalization; AS A FURTHER RESULT, Mr. Hilton suffered extensive internal scarring resulting in urethral stricture, he requires daily medication and self-catheterization, and he will require quarterly urethral dilation for the rest of his life; he has experienced, and will continue to experience, physical pain and emotional suffering, loss of enjoyment of life, loss of opportunity, loss of earnings and earning capacity, loss of a better outcome and he has incurred and will incur substantial expenses for his care and treatment; ALL TO THE DAMAGE OF THE PLAINTIFF, as he says, in an amount sufficient to compensate him for his losses together with interest and costs and within the jurisdictional limits of this Court.

COUNT V

(Medical Negligence - Androscoggin Valley Hospital)

IN A PLEA OF THE CASE for that during February and March 2003, the plaintiff, William Donald Hilton, then a 15 year old boy, sought treatment of ongoing fevers, nausea, vomiting and right sided abdominal pain and came under the care of defendant Androscoggin Valley Hospital; IT WAS THEN AND THERE THE DUTY OF THE DEFENDANT HOSPITAL, to provide medical care in accordance with accepted standards of reasonable professional practice among similar health care providers; YET, NEVERTHELESS THE DEFENDANT NEGLIGENTLY FAILED TO MEET SUCH STANDARD in that it among other things, failed to properly assess and diagnose the plaintiff's condition; failed to order necessary and appropriate diagnostic tests; failed to admit Mr. Hilton for evaluation and treatment; failed to provide appropriate consults with specialists; failed to provide appropriate monitoring and care

upon admission, and otherwise failed to ensure the safety of the patient; AS A RESULT OF THE AFORESAID BREACHES OF DUTY, Mr. Hilton suffered a ruptured appendix and subsequent peritoneal infection requiring surgery and extended hospitalization; AS A FURTHER RESULT, Mr. Hilton suffered extensive internal scarring resulting in urethral stricture, he requires daily medication and self-catheterization, and he will require quarterly urethral dilation for the rest of his life; he has experienced, and will continue to experience, physical pain and emotional suffering, loss of enjoyment of life, loss of opportunity, loss of earnings and earning capacity, loss of a better outcome and he has incurred and will incur substantial expenses for his care and treatment; ALL TO THE DAMAGE OF THE PLAINTIFF, as he says, in an amount sufficient to compensate him for his losses together with interest and costs and within the jurisdictional limits of this Court.

COUNT VI

(RSA 507-E:2, III Claim - All Defendants)

IN A PLEA OF THE CASE for that the plaintiff incorporates by reference each of the allegations contained in Counts I through IV; regardless of the chances of survival or recovery from his underlying condition, the negligence of the defendants proximately caused William Donald Hilton to suffer physical pain and emotional distress, loss of enjoyment of life, and proximately caused him to incur medical expenses and other costs; ALL TO THE DAMAGE OF THE PLAINTIFF in an amount sufficient to compensate him for his losses, together with interest and costs, and within the jurisdictional limits of this court.